

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GRAND MANOR HEALTH RELATED FACILITY, :
INC., :
: **NOTICE OF MOTION**
Plaintiff, :
v. :
HAMILTON EQUITIES COMPANY, HAMILTON : 12 Civ. 4916 (JGK)
EQUITIES, INC., ROBERT NOVA, SUZAN :
CHAIT-GRANDT; MACRON & COWHEY, P.C., :
and JOHN MACRON, :
Defendants. :
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HAMILTON EQUITIES COMPANY, HAMILTON :
EQUITIES, INC., ROBERT NOVA, SUZAN :
CHAIT-GRANDT; MACRON & COWHEY, P.C., :
and JOHN MACRON, :
Defendants/
Interpleading Plaintiffs, :
v. :
BERKADIA COMMERCIAL MORTGAGE, LLC :
and UNITED STATES DEPARTMENT OF :
HOUSING ND URBAN DEVELOPMENT, :
Interpleaded
Defendants. :
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HAMILTON EQUITIES COMPANY, HAMILTON :
EQUITIES, INC., ROBERT NOVA, SUZAN :
CHAIT-GRANDT; MACRON & COWHEY, P.C., :
and JOHN MACRON, :
Defendants/
Third Party Plaintiffs, :
v. :
GRAND MANOR HEALTH RELATED FACILITY, :
GARFUNKEL WILD, P.C., ROY W. :
BREITENBACH, ESQ. and MARTIN LIEBMAN, :
Third Party Defendants. :
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PLEASE TAKE NOTICE that, upon the Declaration of Roy W. Breitenbach, dated December 21, 2012; the exhibit annexed thereto; and the accompanying memorandum of law, Plaintiff / Third Party Defendant Grand Manor Health Related Facility, Inc., by and through its attorneys, Garfunkel Wild, P.C., will move this Court, before The Honorable John G. Koeltl, United States District Judge, at the United States District Court, 500 Pearl Street, New York, New York, at a time and date to be determined by the Court, for dismissal of the Supplemental Interpleader Complaint, as denominated under the Court's November 14, 2012 Order, under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction and the failure to state a claim upon which relief can be granted, and for such other and further relief as this Court deems just and proper.

Dated: Great Neck, New York
December 21, 2012

GARFUNKEL WILD, P.C.
*Attorneys for Grand Manor Health Related
Facility, Inc.*

By: /s/ Roy W. Breitenbach
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